

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.Nos.3660 AND 3705 OF 2015

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COMMON ORDER:

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Heard Ms.Pulipati Radhika and Mr. P.Sridhar Reddy appearing for the parties.

C.R.P.Nos.3660 and 3705 of 2015 are directed against the common order dated 13.07.2015 in E.A.No.58 of 2015 and E.A.No.57 of 2015.

The judgment debtor is the revision petitioner. The applications are filed by the revision petitioner to recall the delivery warrant and to stay all further proceedings in E.P. No.109 of 2015 till the disposal of O.S.No.6 of 2015.

The learned trial Judge through the common order dated 13.07.2015, dismissed both the applications. Hence, the revisions.

Ms.Pulipati Radhika learned counsel for the revision petitioner contends that the decree and judgment in O.S. No.596 of 2012 is under challenge in ASSR No.2966 of 2015 and as the appeal was filed with delay, the revision petitioner could not obtain appropriate orders of stay of decree from the appellate Court. Therefore, it is contended that if the revision petitioner is dispossessed from the suit schedule property pending appeal, the revision petitioner will suffer irreparable loss and hardship.

On the other hand, Sri P.Sridhar Reddy, vehemently opposes the prayers in both the applications by contending that the revision petitioner is not entitled for any indulgence from this Court inasmuch as there is no dispute on the relationship between the revision petitioner and the respondent as tenant and landlord. The revision petitioner can pray for protection of possession if the revision petitioner is complying with the

obligation of paying the amount claimed by respondent as damages for use and occupation of the property. In other words, the respondent has not received amount from the revision petitioner for the past several years and on this ground , the learned counsel prays for dismissal of the revisions.

It is brought to the notice of the Court by the revision petitioner and admitted by the learned counsel for the respondent that the revision petitioner has deposited the amount decreed by way of damages by the trial Court to the credit of the suit and prays for grant of stay of delivery of E.P. schedule property.

I have perused the material available on record and taken note of the rival submissions of the counsel appearing for the parties. The opposition of respondent to consider the prayer of revision petitioner for grant of stay of delivery of possession is failure to non-deposit the amount directed by the trial Court. In view of the subsequent development, this objection need not be further examined. Therefore, to meet the ends of justice, the C.R.Ps are disposed of in the following terms.

The appellate Court is directed to pass appropriate orders in I.A.No.336 of 2015 and the stay petition moved by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

The revision petitioner is permitted to bring to the notice of the appellate Court the direction issued herein for appropriate orders in I.A.No.336 of 2015.

There shall be stay of all further proceedings in E.P.No.109 of 2015 for a period of six weeks from the date of receipt of a copy of this order.

The respondent is at liberty to file application to withdraw the amount deposited by the revision petitioner and if such application is moved, appropriate orders are passed within four weeks from the date of receipt of such application by the Court in which amount is credited.

The C.R.Ps are disposed of. No costs.

S.V.BHATT, J

Date:14.10.2015

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